

ART. XXI. *Address delivered before the Medical Society of the State of New York, February 8th, 1837. By JAMES M'NAUGHTON, M. D., President of the Society. Albany, 1837. 8vo. pp. 40.*

The state of the profession and of medical instruction in the United States is such as to call loudly for reform. The thriving condition of quackery, with the numbers and boldness of its professors—the host of half educated young men annually thrust into the ranks of the profession, by the numerous institutions authorized to grant diplomas, and the quarrels and disorganizations of so many of our medical faculties, all tend unequivocally to establish this fact. Medical schools have so multiplied as to lead, in too many cases, to a rivalry of the most injurious kind,—a competition to obtain students by holding out temptations in the facility and cheapness of obtaining a license to practice—and professional chairs are so numerous, that the occupancy of one can scarcely be considered a distinction, or the office of instructor any longer a peculiarly honourable one. An essential preliminary step, to devising a remedy for these evils, is to calmly investigate the history of medicine in this country, with the view of determining the causes of the existing condition of things. So far as regards the state of New York, this has been ably done by the author of the address, the title of which is at the head of this article; and we attach so much value to his labours that we shall present a full summary of them before our readers.

"No general law regulating the practice of Physic and Surgery was enacted during our colonial state—the only law relating to our profession, passed before the revolution, was in 1760, and was limited in its operation to the city of New York. The preamble to the act sets forth the reasons which led to its passage. It is in these words:

"Whereas many ignorant and unskilful persons in Physic and Surgery, in order to gain a subsistence, do take upon themselves to administer physic, and to practice surgery, in the city of New York, to the endangering the lives and limbs of their patients; and many poor and ignorant people inhabiting the said city, who have been persuaded to become their patients, have been great sufferers thereby;—for preventing such abuses in future, be it enacted,' &c.

"This act provided, that every student should undergo an examination, and receive a diploma or license. It was further provided, that a fine of five pounds should be recovered from any one who practised without complying with the provisions of the act. This act seems to have been continued in force in the city of New York until the separation from the mother country. The lives of the people living beyond the bounds of the city do not appear to have received any protection against empirics.

"On the 27th of March, 1792, another act was passed, limited to the city and county of New York. The reasons set forth in the preamble for the passage of this, are very similar to those relative to the law of 1760. 'Whereas, many ignorant and unskilful persons, presume to administer physic, and practice surgery within the city and county of New York, to the detriment and hazard of the lives and limbs of the citizens, for the prevention of such abuses in future,' &c. This act required that the student should study Medicine with some authorized practitioner for two years, if a graduate of some college, and three years, if not a graduate—that he should be examined by three practitioners, (other than those with whom he studied,) in presence of the Governor and certain other public officers—and if approved, that he should receive a license to practice. In this act it was provided, that every person practising without a license, should be fined seven pounds, and be incapable of maintaining a suit in any court for services rendered. Doctors in medicine were allowed to practice without a license.

"The first general law regulating the Practice of Physic and Surgery, was passed in 1797. By the act of 23d March of that year, every student was required to study four years, if not a graduate, and three if a graduate. It was also

enacted, that any person practising without a license, should pay a fine of twenty-five dollars. It was further provided, that in case of some sudden emergency, any person might administer medicine, or even perform surgical operations; but no demand for compensation for the services rendered, could be lawfully made.\* This act continued, without material alteration, until April 4th, 1806, when the law incorporating the State and County Medical Societies was passed.<sup>t</sup>

"By that law every county in the state was authorized to form a County Medical Society, which, when organized as prescribed in said act, were declared to be 'bodies corporate and politic, in fact and in name,' each bearing the name of the county in which it was instituted. The several County Societies were empowered to examine students, and if found qualified, to grant a diploma, or license to practice.

"The State Medical Society was instituted by the same act. It consists of a limited number of members, called Permanent, and of a Delegate or representative from each of the County Societies, chosen for a limited time. By its charter, it is authorized to examine students, who present themselves for examination, either by original application, or by appeal from the decision of the Censors of the County Societies. It is also empowered to regulate the County Societies, provided its ordinances do not conflict with the laws of this state, or of the United States.

"By the act of April, 1806, it was declared, that no person should practise physic or surgery in this state, without having first received a license as directed; and that in the event of his practising, without a license, he should not be able to recover, in any court, for services rendered.

"Although prior to the passage of the above act, there existed some Medical Societies in New York, and other places, their influence was limited as well as their privileges. It was not until the organization of the State and County Societies took place, that the profession acquired a regular form. A gentleman who took an active part in promoting the passage of the act, speaking of the state of the profession at the time, says:

"Those who witnessed the original and progressive settlement of the northern and western sections of this state since 1790, will recognise the mania that infatuated the emigrants from the east, and the ambitious projects formed by those who assumed the title of Doctors. Many who had never read a volume in medicine were suddenly introduced to an extensive practice, and to a reputation of such imposing authority as to control the opinions of their superiors in science, and to prescribe rules of practice for their government. Consultations were generally distinguished for gross controversies at the bed-side of the patient, whose health and life were often immolated to the ignorance, prejudices, or discordant theories of the contending physicians."<sup>†</sup>

In three months after the passage of the law, no fewer than twenty county medical societies were formed, pursuant to its provisions, and in two years there was scarcely a county in the state of any considerable population, without its medical society.

"From this time," says our author, "the medical profession began to acquire character and respectability. The irregular proceedings, by which certain members of the faculty had hitherto succeeded in acquiring notoriety and credit among the people, received a check. To become fit associates for men of character and standing in the community, required the cultivation of urbanity and good breeding on the part of those who wished to become members of the societies, so that, by degrees, the great body of the profession became subject to one code of medical ethics, the obligations of which were generally acknowledged. There have always, however, been individuals, and not a few such are still to be found, who form exceptions to the general character of the profession; but, it is acknowledged on all hands, that, both in town and country, there is much more harmony,

\* Graduates and Licentiates of Colleges of Medicine were permitted to practice without further examination, upon filing a copy of their diploma in the Secretary of State's office, or in the County Clerk's office.

<sup>†</sup> I am indebted for the above references to a Report of Assembly, 1835, by Hon. Edward Livingston.

<sup>‡</sup> Dr. Stearns, New York Medical and Physical Journal, 1828.

much more courtesy, and much more liberality of feeling, subsisting among medical men, than formerly. And what is more important to the public—there has been a proportionate advancement in education, general and medical, among them. Their frequent meetings in the societies, have made them better and more extensively acquainted with each other, while it has produced more ardour and emulation for professional distinction."

The first meeting of the State Medical Society took place on the 3d February, 1807, when sundry resolutions for the promotion of medical science were adopted; since this period the society has not intermitted its exertions, and Dr. M'Naughton asserts that, "whatever progress has since been made in medical education, has been directly, or indirectly, the result of its efforts."

"The act of 1806, remained in full force, without any important alteration, until the general revision of the laws in 1813. In all the acts relative to the practice of medicine up to this period, some penalty was inflicted upon such as should be found practising as physicians and surgeons, without a license; and in most of the acts, in order the more effectually to protect the ignorant and unwary against the arts of empirics, impostors, and pretenders to medical skill, it was provided that none but the regularly licensed should be able to claim renumeration for services rendered, or maintain a suit for such purpose in any court in the state.

"Pretenders to medical skill have abounded in all ages and countries, who, by various arts, acting on the prejudices, ignorance or credulity, of the multitude, have for a time acquired credit, until their incapacity became exposed, by the suffering, or even death, of their patients. Nothing short of severe penal enactments has been sufficient to repress their unprincipled tampering with human life; and even these, (so strong is the propensity to believe in the marvellous and mysterious,) are insufficient to protect society against the devices of quack practitioners of the healing art.

"It remained, however, for the state of New York to legalize quackery, by positive enactments. The general provisions of the law of 1806 were retained in the revision of 1813, with this most extraordinary proviso:—'That nothing in this act contained shall be construed to extend to debar any person from using, or applying, for the benefit of any sick person, any roots, barks, or herbs, the growth and produce of the United States.\*

"Any advantages which the regular profession might be supposed to derive from the preceding sections, regulating the term of study, and the qualifications for license, were effectually nullified by this singular provision. Under cover of this provision, any person might practise medicine; for among the roots, barks, and herbs of the United States, almost any article in the whole range of the *materia medica* might be exhibited with little risk of detection. For even if the proof could be made clear, a troublesome process of law was necessary to secure the conviction of the offender. The witnesses for the prosecution generally must be physicians, whose evidence is, on such occasions, received with suspicion and disfavour by juries; so that in fact, all the pains and penalties declared against irregular practitioners of medicine, have, for years, been almost a dead letter. A few prosecutions have taken place, and convictions been obtained; but, I believe, on almost all occasions, the sympathy of the public has been on the side of the offending party, while nothing but odium has fallen to the share of the medical profession, for aiding the prosecution. The provision of the law permitting the use of the roots, barks, and herbs of the United States, has been repealed, re-enacted and again repealed since 1813. It is now in full force since 1835, so that all can use these favourite articles for themselves or others, without fear of the law, whatever other causes of fear there may exist in connexion with their administration."

Thus far no attendance on medical lectures is demanded, or even mentioned, in connexion with the requirements for license to practice, although a medical college has been in existence in the state since 1792, and resorted to by a

\* In the law of 1797, the use of domestic remedies, "without fee or reward," was allowed, and in that of 1807, the roots, barks, &c. of the United States, were excepted from penalty.

considerable number of students. Indeed, no inducement was held out for such attendance until 1818.

"In a law passed that year, by the legislature, it was enacted, that the regular term of study should be four years, from which one year might be deducted, if the student had attended one full course of lectures at some incorporated medical institution in this state or elsewhere. This last provision, although not positively requiring attendance on lectures, has had a more important influence on the spread of medical education, in this state, than any other provision in the statutes regulating the practice of physic and surgery. At first, most of the students attended lectures, rather with a view to shorten the term of study, than from any expectation of special benefit from the lectures—so little were the great body of practitioners aware of the advantages the public schools possessed over private offices, for the instruction of students."

A medical faculty, composed of six professors, was first organized in New York in 1767, under the charter of King's (now Columbia) College, and the year following, the school was opened. In 1769, through the exertions of the late Dr. Bard, steps were taken to found a hospital, to render the course of medical instruction more complete. A subscription was raised, and a building commenced, but when nearly completed it was destroyed by fire. It was rebuilt, however, and prepared for patients in 1791. The troubles that ended in the revolution at this period began—the lectures were discontinued during the war—and not again resumed until some time after the peace.

In 1792, the trustees of Columbia College re-organized the medical faculty, consisting, as before, of six professors, and the school was re-opened with the fairest prospects of success, and continued to rise in character and to increase in the number of its pupils until 1807, "when, in an evil hour," observes our author, "*another medical school was established in the same city.*"

"On the 3d of March 1807, a memorial was presented to the Regents of the University, by the Medical Society of New York, praying for the incorporation of a College of Physicians and Surgeons—which prayer was granted. By the charter, *all the authorized practitioners of medicine in the county, at the time, more than one hundred in number, were declared trustees or members of the college.* The regents, wisely, as the event proved, reserved to themselves the right to appoint professors, and to modify, or entirely annul, the charter. At a subsequent session of the legislature, the sum of \$20,000 was granted as an endowment.

"The school then went into operation, and entered the field of competition with its elder sister, the school of Columbia College. 'As soon as the new college was established,' says a candid historian, 'there commenced a spirit of rivalry and competition between the two schools, which led to the most disastrous consequences. After a long and bitter contest between the two parties, the friends of medical science interfered, and arrested the progress of difficulties, which had nearly proved fatal to both institutions.\*'

"In the mean time, the College of Physicians and Surgeons, with 'its multitude of counsellors,' enjoyed neither external prosperity nor internal harmony. Matters came to a crisis in 1811. On the 1st and 25th of March of that year, five several communications were made to the regents, by different parties in the college, stating their respective views and grievances. These were submitted to a committee of the board of Regents, and in consequence of their suggestions, a new charter was granted in June 1812, differing in many respects from the former one. The number of trustees was reduced to twenty-five; but power to remove them was not reserved as in the original charter, hence many of the subsequent troubles of the institution.

"A union between the Faculty of Medicine of Columbia College and the College of Physicians and Surgeons took place in 1814. From this time a new era for the College of Physicians and Surgeons began. It rapidly acquired fame, and a corresponding accession of students, from every part of the United States, from the West Indies, and from the British provinces. Nothing but a vicious

\* Lecture at the opening of the Medical Department of the Columbian College, by Thomas Sewall, M. D., &c.

organization could prevent its rivalling the school at Philadelphia; but, unfortunately, it contained within itself, the elements of discord and decay. The Board of Trustees *were mostly medical men, between whom and the professors, harmony could not be maintained.* Their differences ran so high, that in the spring of 1825, a committee of investigation was appointed, by the regents, before whom the professors and trustees appeared. A very full and able report of the affairs of the college, was made to the regents, by lieutenant-governor Tallmadge the chairman of the committee. From this report, it appears, that the college had received from the state, as endowment, in all, \$66,457 27 cents, besides a botanical garden, for which the state paid 75,000, to the late Dr. Hosack.

"The difficulties between the trustees and professors could not be adjusted; in consequence of which, and a reluctance to submit to certain regulations made by the regents, the professors, in a body, resigned their commissions."

The regents forthwith appointed a new faculty, who commenced their labours the ensuing season; whilst the ex-professors immediately organized another medical school in opposition. The latter first attached themselves to Rutger's College, in the state of New Jersey, but this connexion was rendered unavailable by an act of the New York legislature, "declaring all degrees conferred by any college out of the state, on students studying at an institution within the state, null and void, as licenses to practice medicine." They next established a connexion with Geneva College; but this connexion being illegal, a very judicious law of the state declaring that *no college shall "share or institute a medical faculty to teach the science of medicine in any other place than where the charter locates the college,"* was dissolved by a process issued from the supreme court, "and Rutger's Faculty of Geneva College ceased to be numbered among the medical schools of the state. But, unfortunately, its discontinuance did not heal the divisions existing in the profession in New York. It was divided into two parties, one friendly to the state school, the other opposed to it. This unhappy state of things still remains." \* \* \*

"The College of Physicians and Surgeons of the western district, was the next medical school instituted by the state. It was incorporated in 1812. It is located at Fairfield, in Herkimer county—a small country village. The legislature granted \$15,000, to be raised by lottery, as an endowment. The greater part of this fund was expended in the erection of buildings, and in paying small salaries to the earlier professors. As might have been expected, from the remoteness of the location, and the small number of students, who under the medical law then existing, attended lectures, the school was, at first, not very successful. It spun out a feeble existence until 1818, when its funds became exhausted—the trustees became discouraged, and the professors were on the point of throwing up their commissions. As a last resort, application was made to the legislature for relief. An annuity of \$1000, for five years, was granted for its support. The act relative to the practice of physic and surgery, was also amended, so as to shorten the term of study one year, to such as should have attended a full course of lectures. From these two causes, aided, in all probability, by others, the school began to flourish. Its pupils each year became more and more numerous, until the class rooms could not accommodate them. Further aid having been refused by the legislature, the professors, at their private expense, remodelled the whole interior of the college—extended the class rooms, and fitted up apartments for the museums of anatomy and natural history. They also erected a large stone edifice, four stories high, to accommodate, at a low rate, the students with lodging rooms.

"Every thing promised a prosperous course for the school, and the professors flattered themselves that they were about to be rewarded for their exertions, and remunerated for their expenditures. In the session of 1834, there were 217 students in attendance—a larger class than ever attended at a country medical institution."

In the autumn of 1834 Geneva College formed a Medical Faculty, in connexion with its other departments, but under a different government; leaving its management to the faculty itself, and a board of curators. As, however, no degree at that time conferred in the state was a license to practice, except that

granted by the Regents of the University, applications was made to that board to confer the degree of M. D. upon such as the medical faculty should recommend, and at the same time to the legislature for a law declaring the degree of M. D. conferred by Geneva College a license to practice medicine.

"Both applications were strenuously opposed, by parties who deemed themselves interested, both on private and public considerations. It was contended, that the number of students in the state, could not support more than two schools —one in the city and one in the country—that all could be as well taught in these two, as in three or four—that it would promote neither the interests of the profession, nor of the public, to multiply schools beyond what could be adequately sustained—and that it would lower, instead of elevating, the standard of medical education. It was further contended, that, even if another medical school were wanted, it should be put under the same regulations as the other colleges.

But these arguments were of no avail, and a law giving the desired privilege was enacted by the legislature.

This school "has completed its third session. The number of students in attendance last session, was between 50 and 60, and at the institution at Fairfield, 164—being an aggregate not exceeding the class in attendance at Fairfield alone in 1834. Even if the two schools were to divide equally the number of students between them, neither of them could be said to be in a flourishing state. There is not support enough for two respectable schools in the country; and it is more than probable, that at no distant period, one or both of the existing ones must be discontinued."

"Such," observes our author, "is a brief, and, of course, rather imperfect, sketch, of the course of medical legislation, and of the history of the medical institutions of this state, up to the last session of the legislature. By an amendment to the act regulating the practice of physic and surgery, passed last session, no person admitted to practise in any other state, or country, is authorized to practise in this state, until he shall have received a license from the censors of the State Medical Society. This amendment was found necessary, on account of the difficulty of determining the genuineness of the credentials, presented by foreigners. In several instances, the papers were ascertained to be forged, and in some others, there were well founded suspicions, that the bearers of the diplomas were not the persons to whom they originally belonged. Examination alone, in such cases, can protect the public against imposition. In other instances, persons going out of this state, or coming in from other states, were known to have received diplomas, without complying with the requirements of the laws of this state. The legislature were also, in all probability, influenced by the consideration, that in several of the contiguous states, and in the Canadas, the licentiates, and medical graduates, of our colleges, could not practise without an examination."

Our author next points out some of the defects in medical education—the greatest he considers to consist in the preliminary education of students of medicine. This defect exists in every State in the Union, and no measures for the elevation of the character of the profession can be successful, until evidence of adequate attainments is required of young men before their admission as students of medicine.

Dr. M. gives some statements illustrative of the facility with which a medical degree may be obtained in some of the New England colleges, which we trust are exaggerated; at all events, they are so discreditable, that we hesitate to transfer them to our pages.

"In regard to dissections," says our author, "all our schools labour under disadvantages. There is no legal mode of obtaining subjects. It is by law declared felony to be concerned in the exhumation or dissection of a human body. The only subjects legally obtained, are the bodies of convicts who die at the state prisons, not claimed for burial by relatives. If all who die at the state prisons were given up, the supply would be inadequate. The bodies of those only who die in winter can be of any use, and these seldom exceed two or three during the season. Few as these are, those from the prison at Auburn are divided between the schools at Fairfield and Geneva. The result of this narrow policy is, that the schools, par-

ticularly the country ones, are scantily supplied—and that in all, the supply is precarious and expensive;—for it cannot be supposed, that those who procure subjects, at the hazard of liberty and life, will expose themselves, without compensation, corresponding with the risk they run."

Dr. M. concludes with the following just observations on the inadequate endowments of institutions for medical instruction, and which are of nearly general application.

"Our medical schools are now supported, almost entirely, at the expense of their respective professors. Is this creditable to the great and prosperous State of New York? What is the reason that such a distinction has been made between the medical colleges and the colleges of arts? Do not medical schools require libraries, chemical and philosophical apparatus, and museums of anatomy and natural history? Can it be expected that professors, from their scanty receipts, will furnish all these, and pay contingent expenses to boot? And if they do, can it be reasonably hoped, that we shall ever possess institutions that can equal the liberally endowed establishments of other countries? Is not the community as much interested in having well endowed medical colleges as literary ones? If so, why has the state made such a distinction between them, in the bestowment of her bounties?

"I do not mean to intimate, by these remarks, that the literary institutions have shared too liberally the bounty of the state. On the contrary, all of them are inadequately provided for. There is scarcely a petty principality in Germany, that cannot boast of a University, possessing a library, containing more books than all our colleges, theological, medical and literary, put together. Some of them have also splendid collections in natural history and other departments of science. I need hardly mention here, that in all these our colleges are sadly deficient; and there is not a single botanical garden in the state.

"Since the amendment of the constitution in 1822, not a dollar has been appropriated by the legislature to elevate our literary or medical colleges. In the mean time millions have been expended on other objects. Canals and rail-roads have been made, and others are in progress in all directions. Every thing, in short, has been done for meliorating the physical condition of the citizen; but what has been done for his moral and intellectual improvement, by our constituted authorities? Nothing—literally nothing.

"Are we never to possess but common schools, and academies, or institutions whose limited means permit them to rank no higher? Must our children encounter the storms of the Atlantic to seek, under other governments, advantages denied them under our own? We hope, that a more liberal spirit will prevail, and that the legislature will set apart some of the wealth of the state, for the purpose of placing our higher seminaries of learning on such an eminence as will enable their professors to look around on kindred institutions in other countries, without feelings of humiliation or consciousness of inferiority."

---

ART. XXII. *A Report of the New Haven Medical Society, on the expediency of repealing that Section of the Medical Laws of this State, which excludes irregular Practitioners from the benefits of law in the collection of fees.* New Haven, 1837. 8vo. pp. 16.

The General Assembly of the State of Connecticut, at their Session in May, 1836, received petitions from various parts of the state, praying for a repeal of the law which enacts that, "no physician or surgeon, who shall have commenced practice since the year one thousand eight hundred, or who shall hereafter commence practice, shall be entitled by law to recover any debts or fees for such practice, unless he shall have been duly licensed by some medical society or college of physicians." These petitions are said to have been got up, and principally signed, by the friends of what purports to be a new system of medicine called the "Thomsonian system." It appears to us to argue a deplorable state of things, when such petitions should receive any attention. The